

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 7/28/2016

Action Requested By:  
Planning

Agenda Item Type  
Ordinance

Subject Matter:

Annexation of land.

Exact Wording for the Agenda:

Introduction of an ordinance concerning the annexation of 26.30 acres of land lying north of Little Cove Road and on the west side of Watson Grand Way.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Introduction Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 7/13/2016

**ORDINANCE NO. 16-**

**WHEREAS**, JWE Properties, LLC, an Alabama limited liability company, by Jeff Enfinger, its Member, has petitioned the governing body of the City of Huntsville, Alabama, requesting that certain property or territory be annexed to the City of Huntsville, Alabama; and

**WHEREAS**, said petition contained the signature of the owner of the property as the same is assessed for ad valorem tax purposes; and

**WHEREAS**, said property is contiguous to the present city limits of the City of Huntsville, Alabama, and does not lie within the corporate limits of any other municipality; and

**WHEREAS**, a map of said territory showing its relationship to the corporate limits of the City of Huntsville, Alabama, has been filed with the City Clerk-Treasurer; and

**WHEREAS**, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that it is necessary and proper and in the public interest that said property be brought within the corporate limits of the City of Huntsville, Alabama;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows;

1. That the City Council of the City of Huntsville, Alabama hereby assents to the annexation of certain property to the City of Huntsville, Alabama, which said property as hereinabove referenced is more particularly described as follows:

All that part of Section 17, Township 4 South, Range 2 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the northeast corner of said Section 17; thence along the north boundary of said Section 17 Due West 3,587.19 feet; thence leaving said boundary Due South 64.55 feet to the point of true beginning; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 00 degrees 26 minutes 05 seconds West 1,210.78 feet; thence North 89 degrees 47 minutes 59 seconds West 348.77 feet; thence North 26 degrees 24 minutes 20 seconds East 300.00 feet; thence North 89 degrees 47 minutes 59 seconds West 250.00 feet; thence South 26 degrees 24 minutes 20 seconds West 300.00 feet; thence North 89 degrees 47 minutes 59 seconds West 401.24 feet; thence North 00 degrees 26 minutes 05 seconds East 1,214.87 feet; thence South 89 degrees 33 minutes 55 seconds East 1,000.00 feet to the point of true beginning and containing 26.30 acres, more or less.

ORDINANCE NO. 16-

2. That the corporate limits of the City of Huntsville, Alabama, are hereby extended and rearranged so as to embrace and include the hereinafter property as part of the corporate area of the City of Huntsville.

3. That this ordinance shall become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Judge of Probate Office of Madison County.

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA  
COUNTY OF MADISON

PETITION FOR ANNEXATION TO THE CITY OF  
HUNTSVILLE, ALABAMA, UNDER ACT NO. 2228  
S.134, 1971 REGULAR SESSION

TO: The City Clerk-Treasurer of the City of Huntsville, Alabama

The undersigned, JWE Properties, LLC, an Alabama limited liability company, by Jeff Enfinger, its Member, hereby petitions the Mayor and City Council of the City of Huntsville, Alabama, to bring the hereinafter described property within the corporate limits of the City of Huntsville under the provisions of Act No. 2228, S. 134, of the 1971 Regular Session of the Legislature of Alabama. The undersigned respectfully requests that the property or territory hereinafter described be annexed to the City of Huntsville. I further certify that I have the right and authority to make and file this petition for annexation, that said property is contiguous to the existing corporate limits of the City of Huntsville, Alabama, which said City has a population of more than 2,000, and that said property does not lie within the corporate limits of any other municipality, and I do hereby respectfully petition the Mayor and City Council of the City of Huntsville to adopt an ordinance assenting to the annexation of said property to the City of Huntsville. I further certify that the property is assessed for ad valorem tax purposes in the name of JWE Properties, LLC, an Alabama limited liability company.

All that part of Section 17, Township 4 South, Range 2 East, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the northeast corner of said Section 17; thence along the north boundary of said Section 17 Due West 3,587.19 feet; thence leaving said boundary Due South 64.55 feet to the point of true beginning; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence South 00 degrees 26 minutes 05 seconds West 1,210.78 feet; thence North 89 degrees 47 minutes 59 seconds West 348.77 feet; thence North 26 degrees 24 minutes 20 seconds East 300.00 feet; thence North 89 degrees 47 minutes 59 seconds West 250.00 feet; thence South 26 degrees 24 minutes 20 seconds West 300.00 feet; thence North 89 degrees 47 minutes 59 seconds West 401.24 feet; thence North 00 degrees 26 minutes 05 seconds East 1,214.87 feet; thence South 89 degrees 33 minutes 55 seconds East 1,000.00 feet to the point of true beginning and containing 26.30 acres, more or less.

Attached hereto marked Exhibit A is a map of said territory showing its relationship to the corporate limits of the City of Huntsville, which said map is further identified as being entitled "McMullen Cove Property to be Annexed."

IN WITNESS WHEREOF, the undersigned have set their hand and seal the date herein indicated.

PREPARED BY  
CITY OF HUNTSVILLE  
PLANNING DIVISION

JWE PROPERTIES, LLC  
An Alabama limited liability company

  
By: Jeff Enfinger  
As its: 

(SEAL)

STATE OF ALABAMA

COUNTY OF MADISON

I, Ludmila Portnoy, a notary public in and for said County in said State,  
hereby certify that Jeff Enfinger whose name as Manager of the  
JWE Properties, LLC, a corporation, is signed to the foregoing conveyance and who is known  
to me, acknowledged before me on this day that, being informed of the contents of the  
conveyance, he, as such officer and with full authority, executed the same voluntarily for and as  
the act of said corporation

Given under my hand and official seal of office, this the 12 day of  
July, 2016.

Ludmila Portnoy  
NOTARY PUBLIC



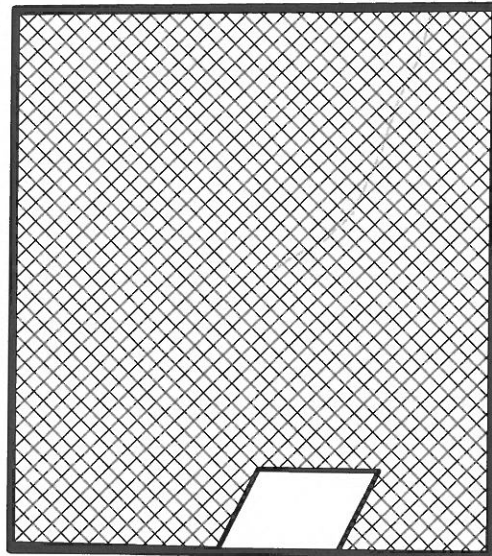
**EXHIBIT A: MCMULLEN COVE PROPERTY TO BE ANNEXED**



**R1A**

Watson Grand Way SE

POINT HIGH POINT



**R1A**

Little Cove Rd

Pasture View Ln SE

**R1B**

Blossom Park Dr SE

Magnolia Park Dr SE

1 inch = 400 feet



**ANNEXATION SUMMARY: MCMULLEN COVE**

July 12, 2016

PETITIONER: JWE Properties, LLC

LOCATION: North of Little Cove Road and on the west side of Watson Grand Way  
Township 4 South, Range 2 East, Section 17

ACERAGE: 26.30 acres

REASON FOR  
REQUEST: City Services for future residential development



## **ANNEXATION GUIDELINES: MCMULLEN COVE**

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

IS NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

RESIDENTIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNER; COPY ATTACHED

**STATEMENT REGARDING  
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations.

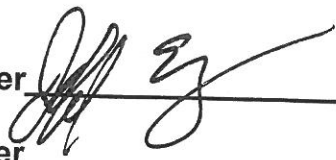
Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

\* \* \* \*

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner  Date 6-30-16  
Petitioner \_\_\_\_\_ Date \_\_\_\_\_